

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2019-204-E - ORDER NO. 2020-46  
MARCH 6, 2020

IN RE: Meserve, Complainant/Petitioner v. Duke        )  
Energy Carolinas, LLC,                                        )  
Defendant/Respondent                                        )

ORDER GRANTING  
MOTION TO DISMISS

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the motion of Duke Energy Carolinas, LLC (“Duke” or “Company”) to dismiss the above-captioned complaint.

Ms. Meserve commenced this docket on or about June 3, 2019. She claimed that, due to what she described as electromagnetic sensitivity, she alleged the smart meters that had been installed at her home were causing her numerous health problems. Thereafter, Ms. Meserve opted out of having smart meters by invoking Rider MRM, and she was granted a waiver of the opt-out fee after producing letters from licensed physicians attesting to her stated medical need to avoid electromagnetic frequencies. The Company then removed the smart meters and installed non-communicating digital meters on the property. However, Ms. Meserve still claims to be experiencing symptoms, and she seeks an order from the Commission requiring the Company to replace the non-communicating digital meter with an analog meter. She asserts that the Company’s refusal to install analog meters on her home constitutes a violation of the Americans with Disabilities Act (“ADA”).

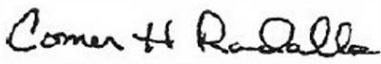
For its part, Duke has represented to the Commission that all major manufacturers of electric meters ceased manufacturing the electromechanical analog meters of the type

Ms. Meserve wishes to have installed on her home around the year 2000, and the manufacturers no longer support the maintenance of these meters. Furthermore, Duke points out that for the approximately 14-year period between 2002 and 2016, the meter installed at Ms. Meserve's home was a 900 MHz AMR meter which emitted radio frequencies. The currently installed meter, while not of the electromechanical type preferred by Ms. Meserve, emits no radio frequencies.

Ms. Meserve has not alleged that the Company has violated any law or regulation which the Commission is empowered to enforce. The South Carolina Public Service Commission is not authorized to enforce the Americans with Disabilities Act and cannot offer any opinion as to whether Ms. Meserve's claim invoking the ADA has merit. Because Ms. Meserve has not alleged any violation of law or regulation over which the Commission has jurisdiction, we dismiss her complaint.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
Comer H. "Randy" Randall, Chairman

ATTEST:

  
Jocelyn Boyd, Chief Clerk/Executive Director